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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,692	02/27/2004	Christopher J. Norman	STE01 P-1165	7031

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EXAMINER
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HAWK, NOAH CHANDLER

ART UNIT	PAPER NUMBER
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3636

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/788,692

Applicant(s)

NORMAN ET AL.

Examiner

Noah C. Hawk

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-35 is/are pending in the application.
- 4a) Of the above claim(s) 15-20 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 21-29 and 31-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/27/04, 9/13/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of Group III, Figures 5, 5A, 6 and 6A in the reply filed on 10/6/06 is acknowledged.
2. Claims 15-20 and 30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/6/06.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "the base" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim. Further, it is unclear whether this is the same element as the "armrest base member" or if it is a different element. Clarification is required.

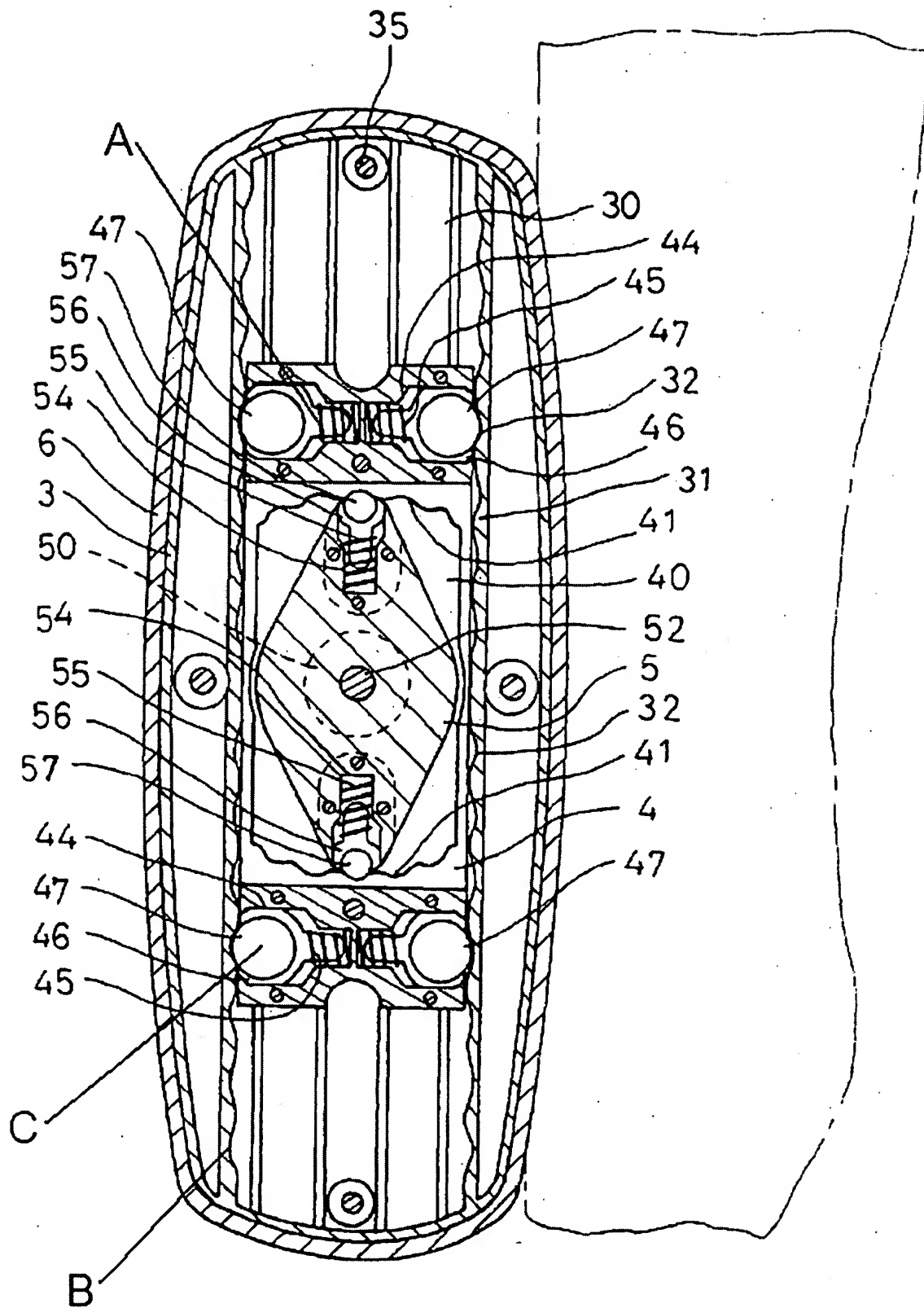
### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

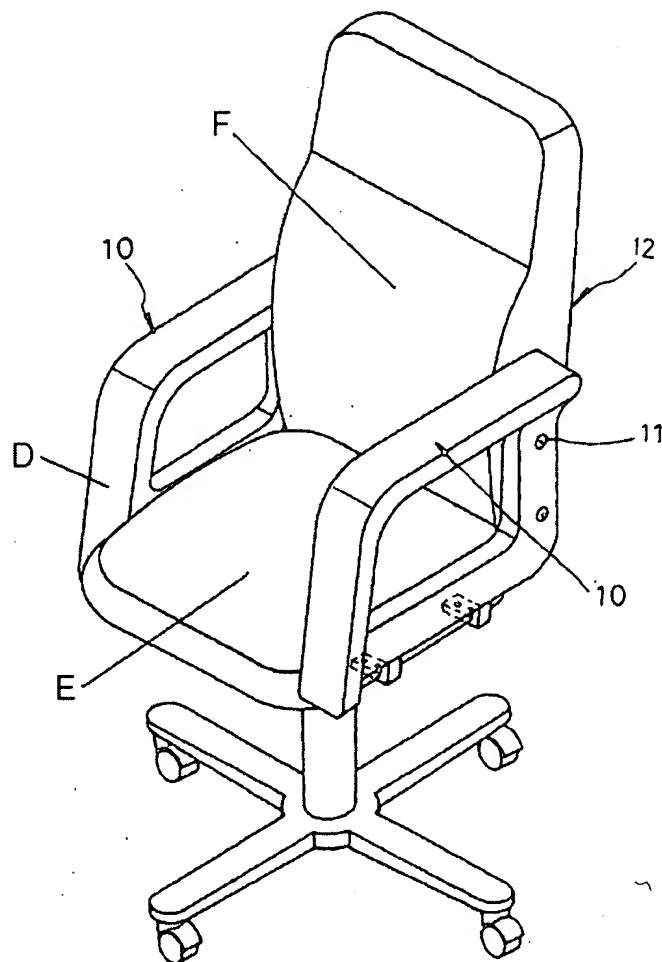
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 8, 9, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsai in US Patent 6948775. Tsai teaches an adjustable armrest for a chair comprising an armrest base member (4), a support member (3) slidably coupled to the base member for movement in first and second directions (best seen in Figure 4 and 5) relative to the base between first forward (Best seen in Figure 4) and second rearward (Best seen in Figure 5) positions relative to the base and biased by a spring (A) into the first position, a device selectively retaining the support member in the second position, the device including a catch (B) and a movable retaining member (C), the retaining member disengaging from the catch upon movement of the support member in the rearward direction (if the support member is moved rearward, the retaining member C will disengage from the indentation B). Tsai further teaches that the support member is rotatably coupled to the base (Best seen in Figure 6) to permit rotational adjustment about a generally vertical axis.



Tsai, Figure 4

7. Claims 21, 26 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsai in US Patent 6948775. Tsai teaches a seating unit comprising a frame (D) a seat (E) a backrest (F) and a pair of armrests (10). Tsai further teaches details of the armrests (Shown in Figures 2-6) wherein they are movably mounted to the frame (Best seen in Figures 5 and 6) for movement between forward (Figure 4) and rearward (Figure 5) positions wherein the armrests are biased (by springs A) into the forward position and each includes a device (C) selectively retaining the armrests in the rearward position wherein the movement of the armrests releases the device (if the support member is moved rearward, the retaining member C will disengage from the indentation B) such that the armrests move to the forward position due to the bias (the spring will tend to rebound the support member toward the first position). Tsai further teaches that the armrests include a base member (4) connected to the frame (2) and a support member (3) slidably coupled to the base member and rotatably coupled to the base member to permit rotational adjustment.



Tsai, Figure 1

***Claim Rejections - 35 USC § 103***

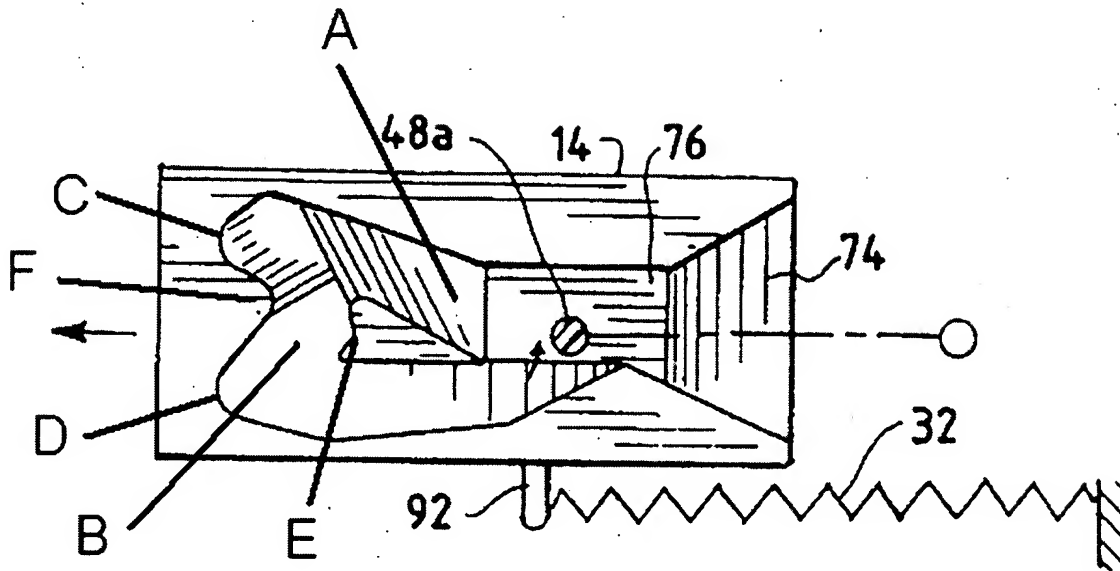
8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai, as applied to Claim 1 above in view of Bivens in US Patent 5498039. Tsai teaches a padded cushion (6) attached to the support member but fails to teach a push-push mechanism or the details thereof. Bivens teaches a push-push mechanism having one member with a track (A, best seen in Figure 9, below) having an elongated generally straight portion (76) and a heart-shaped end portion (B) positioned at an angle to the straight portion, the heart-shaped portion having two lobes (C, D) intersecting to form a notch (E) and an extension in the track opposite the notch (F), and a rotating retaining member (48) with extension (48a) on another member that engages the track. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Tsai by using a push-push mechanism as taught by Bivens to retain the support member in one position by adding a heart-shaped track to the base member and a rotating retaining member with extension to the support member in order to allow the user to quickly return the support member to its forward position.





Bivens, Figure 9

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai, as applied to Claim 9 above in view of Cao in US Patent 6017091. Tsai fails to teach that the support member is movably coupled to the base member to permit side-to-side adjustment. Cao teaches an armrest with a support member (1) movably coupled to a base member (2) to permit side-to-side adjustment (see Figure 6). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Tsai by adding side-to-side adjustment of the support member as taught by Cao in order to allow the user to further customize the position of the armrest.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai, as applied to Claim 9 above in view of Wu in US Patent 5931536. Tsai fails to teach that

the support member is vertically adjustable. Wu teaches an armrest assembly with a support member (5) that is movably mounted to the base (6) to permit vertical movement of the support member. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Tsai by adding height adjustment as taught by Wu in order to allow users of different heights to utilize the armrest.

12. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai, as applied to Claim 21 above in view of Bivens in US Patent 5498039. Tsai teaches that the armrests comprise base member (2) connected to the frame (2) and a support member (3) slidably coupled to the base member but fails to teach a push-push mechanism or the details thereof. Bivens teaches a retaining device having one member with a track (A, best seen in Figure 9, below) having an elongated generally straight portion (76) and a heart-shaped end catch portion (B) positioned at an angle to the straight portion, the heart-shaped portion having two lobes (C, D) intersecting to form a notch (E) and an extension in the track opposite the notch (F), and a rotating retaining member (48) with extension (48a) on another member that engages the track. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Tsai by using a push-push mechanism as taught by Bivens to retain the support member in one position by adding a heart-shaped track to the base member and a rotating retaining member with extension to the support member in order to allow the user to quickly return the support member to its forward position.

13. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai, as applied to Claim 21 above in view of Cao in US Patent 6017091. Tsai fails to teach that

the support member is movably coupled to the base member to permit side-to-side adjustment. Cao teaches an armrest with a support member (1) movably coupled to a base member (2) which is connected to a frame (3) to permit side-to-side adjustment (see Figure 6). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Tsai by adding side-to-side adjustment of the support member as taught by Cao in order to allow the user to further customize the position of the armrest.

14. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai, as applied to Claim 21 above in view of Wu in US Patent 5931536. Tsai fails to teach that the support member is vertically adjustable. Wu teaches an armrest assembly with a support member (5) that is slidably mounted to the base (6) connected to the frame (3) to permit vertical movement of the support member. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Tsai by adding height adjustment as taught by Wu in order to allow users of different heights to utilize the armrest.

15. Claims 31, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai in US Patent 6948775 in view of Bivens in US Patent 5498039.

a. Regarding Claim 31, Tsai teaches a seating unit comprising a frame (D) a seat (E) a backrest (F) and a pair of armrests (10). Tsai further teaches details of the armrests (Shown in Figures 2-6) wherein they are movably mounted to the frame (Best seen in Figures 5 and 6) for movement between forward (Figure 4) and rearward (Figure 5) positions wherein the armrests are biased (by springs A)

into the forward position. Tsai fails to teach a heart and pawl device. Bivens teaches a heart and pawl device (Best seen in Figures 4-9) operably interconnecting two members to retain one member in a rearward position (Best seen in Figure 7) and bias it toward the front position (Best seen in Figure 9). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Tsai by using a heart-pawl device to interconnect the armrests to the frame in order to allow the user to quickly return the armrests to its forward position.

b. Regarding Claims 33 and 34, Tsai, as modified, further teaches that the armrests include a base member (4) connected to the frame (2) and a support member (3) slidably coupled to the base member and rotatably coupled to the base member to permit rotational adjustment about a vertical axis (best seen in Figure 6).

16. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai, as modified, as applied to Claim 31 above in view of Cao in US Patent 6017091. Tsai, as modified, fails to teach that the support member is movably coupled to the base member to permit side-to-side adjustment. Cao teaches an armrest with a support member (1) movably coupled to a base member (2) which is connected to a frame (3) to permit side-to-side adjustment (see Figure 6). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Tsai, as modified, by adding side-to-side adjustment of the support member as taught by Cao in order to allow the user to further customize the position of the armrest.

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17. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai, as modified, as applied to Claim 31 above in view of Wu in US Patent 5931536. Tsai, as modified, fails to teach that the support member is vertically adjustable. Wu teaches an armrest assembly with a support member (5) that is slidably mounted to the base (6) connected to the frame (3) to permit vertical movement of the support member. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Tsai, as modified, by adding height adjustment as taught by Wu in order to allow users of different heights to utilize the armrest.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dolci et al. teaches an armrest. Bivens et al. '454 and Shirase teach push-push mechanisms.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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PRIMARY EXAMINER